

**JEANNINE L. SOMBERG, CPA**  
*Masters in Taxation*  
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September 23, 2014

via email: [dsimon@house.mi.gov](mailto:dsimon@house.mi.gov)

Doug Simon, Committee Clerk  
Oversight, Representative Tom McMillin, Chair  
Michigan House of Representatives  
House Office Building  
Lansing, MI

**RE: MI House Oversight Committee Meeting  
Testimony on the Special Education Complaint Process by MDE**

Dear Committee Members:

As I discussed with Doug Simon yesterday on the phone, I am unable to attend the meeting today to give public testimony regarding the above. However, I asked that he provide this letter as well as the attached documents to the committee for consideration.

I am the parent of a 20 year old Autistic Spectrum, Tourette's Syndrome son who has participated in public education since about 2 ½ years of age. I have filed viable complaints periodically over the years when the MDE process consisted of a "two-tier" system and now, the "one-tier" system. I have experienced many pitfalls in the system and eventually "gave up" trying to even utilize the MDE-OSE complaint process.

I have also recently prevailed in two Due Process hearings and now, as a result of this success, my attorney and I are being sued personally by Utica Community Schools in U.S. District Court for "filing a frivolous claim" (Case No.: 2:13-cv-14022-RHC-MJH). These are the "bullies" that parents have to deal with. However, this is not the forum to do an autopsy of a Due Process Hearing.

I would like to bring to your attention the following:

1. In my son's cases, the ALJ (Administrative Law Judge) narrowed the scope of the complaints for Due Process. She specifically stated that certain issues would need to be brought in the MDE-OSE complaint process forum.
2. I filed a complaint with the MDE-OSE (Case: C-7618-13) as a result of the ALJ averment that these issues were outside her jurisdiction. Nineteen issues were provided to the MDE and they erroneously found only one allegation within their authority as many of the allegation were NOT previously resolved in a due process hearing. **(Exhibit 1). [Denial of access to records is a common delay tactic in Utica Community Schools and they have been found to be in violation on multiple occasions.]** My letter dated May 31, 2013 **(Exhibit 2)** specifically stated that these complaints were not "**decided**" as part of a Due Process Hearing. Each complaint was substantiated with multiple exhibits of evidence to support my allegations. 34 CFR Sec. 300.152(c )(2) contains the word "decided" and not "resolved". This letter for reconsideration was ignored.
3. I obtained the invoices from the MDE-OSE to the school district and noted many errors in billing and brought them to the attention of Harvalee Santos. She did provide correspondence and revised invoices to Utica Community Schools. Note: The hourly rate of the ALJ is **\$108.25**. The hourly rate of the school district's attorney is **\$200 (Exhibit 3)**. The ALJ is under "time constraints" to draft Decisions and Orders. The school district attorneys have a seemingly endless supply of resources. The parents and most advocates work for **free**.
4. I have multiple emails to and from the MDE-OSE employees. On many occasions, the MDE-OSE would tell you to do one thing and then change their position. When I questioned being given conflicting information, I was asked, "Are you taping me?" I found these four words to be very offensive. Yet, they spoke volumes.
5. Many of the ALJ's orders of corrective action were never completed or not completed timely. I provided the MDE substantial information as evidence of this noncompliance. This was also ignored by the MDE. (See SEH #12-70)
6. In MDE SEH #12-59, MAHS Docket No. 2012-001510-ED, my son was put in seclusion for one month as he would not participate in C.B.I., contrary his I.E.P. He was then wrongfully suspended for one month. Though I prevailed in Due Process, the ALJ provided for NO compensatory education to my son.

I have been told repeatedly by the MDE-OSE that there is "not much they can do" as a result of the local schools noncompliance. To add "salt" to the wound, most parents do not have the financial resources available to the school districts (i.e. M.A.I.S.L.) and the MDE. In my opinion, this "status quo" system is completely "broken" and nothing more than a complete waste of taxpayer dollars serving no purpose but to "push paper". Certain school districts continue to be "repeat offenders" as there is so little accountability and repercussions for their noncompliance. Cronyism, conflicts of interest and the blatant disregard of the laws in place continue to not help our most vulnerable population. I am concerned about retaliation and the intentional disregard for the needs of the disabled population.

Should the committee have any questions or want to see details and a more comprehensive presentation of the weaknesses in the internal control structure of the MDE-OSE, please contact me at the above address and telephone number.

I appreciate the hard work of the committee and pray for systemic change.  
Thank you for your consideration.

Sincerely,

Jeannine L. Somberg, CPA  
Parent of Special Education Student

STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSINGRICK SNYDER  
GOVERNORMICHAEL P. FLANAGAN  
STATE SUPERINTENDENT

May 22, 2013

Jeannine Somberg  
14966 Knightsbridge  
Shelby Twp., Michigan 48315

Case: C-7618-13

Dear Ms. Somberg:

You recently filed a state complaint against Utica Community Schools (district). The Michigan Department of Education, Office of Special Education (OSE) case manager and the Macomb ISD investigator clarified the allegations in your state complaint by conference call on April 26, 2013.

The following allegations are within the authority of the OSE and will be resolved in accordance with the Individuals with Disabilities Education Act (IDEA) and the Michigan Administrative Rules for Special Education (MARSE) using the Michigan Department of Education Special Education Problem Solving Procedures:

Allegation	
Allegation 13	Whether the district denied access to records by parent or parent's representative

The following allegations are not within our authority to resolve:

Allegation	Rule/Regulation
1. Whether the district provided educational services when the student was removed for disciplinary purposes from October 2-29, 2012	The allegation was previously resolved in a due process hearing, 34 CFR § 300.152(c)(2).
2. Whether the student received the general education time written in the IEP from September 4-October 29, 2012	The allegation was previously resolved in a due process hearing, 34 CFR § 300.152(c)(2).
3. Whether the student was secluded during 5 <sup>th</sup> and 6 <sup>th</sup> hour from September 4-23, 2012,	There is no special education rule, regulation or law that governs the alleged violation as defined in R 340.1701(a).

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EXHIBIT 1

Ms. Somberg  
May 22, 2013

4. Whether the district withdrew the Autism Intake Report from district files.	There is no special education rule, regulation or law that governs the alleged violation as defined in R 340.1701(a).
5. Whether the district has evaluated the student for a reevaluation even though consent has been provided	This issue has been resolved between the parties outside of the state complaint process in accordance with a due process hearing, 34 CFR § 300.152(c)(2).
6. Whether the district excused a staff member from an IEP meeting as required	The alleged violation occurred more than one year before the complaint was filed, as required in R 340.1851 (2).
7. Whether the district is providing math instruction to the student in the core curriculum	There is no special education rule, regulation or law that governs the alleged violation as defined in R 340.1701(a).
8. Whether the district monitored the progress on social work goals and objectives and whether the district provided progress reports on social work goals and objectives	The allegation was previously resolved in a due process hearing, 34 CFR § 300.152(c)(2).
9. Whether the district had an IEP in place for the student from November 2011 through June 2012	The allegation was previously resolved in a due process hearing, 34 CFR § 300.152(c)(2).
10. Whether the district completed a three year full and individual reevaluation	The allegation was previously resolved in a due process hearing, 34 CFR § 300.152(c)(2).
11. Whether the district completed an assistive technology evaluation	The allegation was previously resolved in a due process hearing, 34 CFR § 300.152(c)(2).
12. Whether the district completed an Autism Spectrum Disorder consultation	There is no special education rule, regulation or law that governs the alleged violation as defined in R 340.1701(a).
14. Whether the district had all the required participants in attendance at the November 2012 IEP	The allegation was previously resolved in a due process hearing, 34 CFR § 300.152(c)(2).
15. Whether the district breached confidentiality on an IEP	There is no special education rule, regulation or law that governs the alleged violation as defined in R 340.1701(a).
16. Whether the district developed post secondary measurable annual goals and objectives	The allegation was previously resolved in a due process hearing, 34 CFR § 300.152(c)(2).
17. Whether the district followed procedures for the manifestation determination reviews conducted in June and October of 2012	The allegation was previously resolved in a due process hearing, 34 CFR § 300.152(c)(2).

EXHIBIT 1

Ms. Somberg  
May 22, 2013

The following allegations, are within the authority of the OSE to resolve, however, the allegations involve actions which have not yet occurred and are therefore not subject to enforcement by the OSE.

18. Whether the district followed the evaluation procedure with respect to the timeline, notice and procedural safeguards	This allegation addresses an action that has not yet occurred and therefore is not enforceable by the OSE.
19. Whether the district followed IEP procedures with regard to the procedural safeguards notice, prior written notice and transition requirements	This allegation addresses an action that has not yet occurred and therefore is not enforceable by the OSE.

Enclosed is a list of agencies and organizations that may be of assistance.

If you have any questions, please contact me at (517) 373-2831.

Sincerely,



Harmonie Costello, Case Manager  
Program Accountability  
Michigan Department of Education  
Office of Special Education

HC/jam

c: Michael DeVault  
Beth Alberti  
Christine Johns  
Pat McKinnon  
Thomas Koepke

EXHIBIT 1

**JEANNINE L. SOMBERG, CPA**  
**14966 Knightsbridge**  
**Shelby Township, MI 48315**  
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May 31, 2013

Harmonee Costello, Case Manager  
Program Accountability  
Michigan Department of Education  
Office of Special Education

Lansing, MI 48909

**RE: Case: C-7618-13**

Dear Ms. Costello:

This letter is in response to your letter dated May 22, 2013 regarding my state complaint against Utica Community Schools.

You listed certain allegations that you believe are not within the authority of the OSE. I ask that you reverse these decisions to not investigate based on the following facts and circumstances:

Rules Relating to Allegation Numbers

1. Pursuant to 34 CFR Sec. 300.152(c)(2), the law states that "if an issue raised in a complaint filed under this section has been **previously decided** in a due process hearing ....". Note, the law does not say "**resolved**". The ALJ did not rule either way on this issue and therefore there was no "decision". Thus, I believe that this allegation is within your jurisdiction.
2. Pursuant to 34 CFR Sec. 300.152(c)(2), the law states that "if an issue raised in a complaint filed under this section has been **previously decided** in a due process hearing ....". Note, the law does not say "**resolved**". The ALJ did not rule either way on this issue and therefore there was no "decision". Thus, I believe that this allegation is within your jurisdiction.
3. There are rules with the MDE Policies that were violated as per Supporting Student Behavior: Standards for the Emergency Use of Seclusion and Restraint. The MDE provides specific parental notification requirements and procedures for seclusion. Also, it must only be used as a last resort for emergency safety. Seclusion must not be used "as a planned response". When the student refused to go to CBI, the District put him in seclusion for two hours a day without instruction and without a teacher in the building. He was with an aide. This allegation was **not previously decided in a due process hearing....**" Also,

EXHIBIT 2

being left in a room alone for two hours a day without a teacher and only sitting with an aide needs to be addressed by the SEA. There are laws regarding "meaningful instruction" and a teacher that is off site who says she is teaching a student from afar, does not qualify for meaningful instruction.

4. I believe that Sec. 300.567(c) applies. If the district decides not to amend or change the education record, the district must inform the requesting person of his/her right to a records hearing. It is only after that hearing that the district, if it decides to not amend the education record, must include the requesting person's statement as a permanent part of the record. In not informing the complainant of her right to a records hearing, the district is in violation of Sec. 300.567(c) and the OSE should direct corrective action and proof of compliance for this violation to the Utica Community Schools.
5. Pursuant to 34 CFR Sec. 300.152(c)(2), the law states that "if an issue raised in a complaint filed under this section has been **previously decided** in a due process hearing ....". Note, the law does not say "**resolved**". The ALJ did not rule either way on this issue and therefore there was no "decision". Thus, I believe that this allegation is within your jurisdiction. If you are referring to an AT evaluation, this is NOT considered a reevaluation with respect to the 3 year evaluation being needed prior to the IEP.
7. If there is no law that governs teaching a student math, is there a law that states then I believe the law that relates to "meaningful instruction" should apply. This class was to be his "math class". The District presented it to me and said it is called "Tutorial". My son was to have this class for Math. He worked independently on the Dreambox software and reached a point where he needed instruction. When he asked the teacher, she said, "I am not allowed to teach him" and would not help. He was without Math instruction for a long time until Mr. May got Mr. Satawa to teach him.
8. This issue relates to the "back dating" of documents and not preparing or providing the progress reports to the parent in a timely manner. Since the period of time in question is **after** the completion of a due process hearing, it does not relate to any prior due process hearing. Also, the ALJ did not make decisions regarding this issue as it is a complaint that occurred after the Due Process hearing. Please look at the dates in question.
9. Pursuant to 34 CFR Sec. 300.152(c)(2), the law states that "if an issue raised in a complaint filed under this section has been **previously decided** in a due process hearing ....". Note, the law does not say "**resolved**". The ALJ did not rule either way on this issue and therefore there was no "decision". Thus, I believe that this allegation is within your jurisdiction.

The ALJ did not believe that the IEP was ever finished, however, she did not "decide" if it was done or not done. There are state laws regarding timelines and the evidence in tienst of the return never being finished as well as no signature of the District Designee being uploaded to Tienet and numerous other evidence reflect that the District was out of compliance. They also back dated documents in an effort to try to make the ALJ think that they had completed an IEP, when in fact the parent never got a copy of any IEP until she requested one the following year. The signed IEP by Mr. Enne was backdated and put in the students records and then provided to the parent.

EXHIBIT 2



10, 11 & 12

The ALJ only ordered an AT evaluation pursuant to the IEP. As stated earlier, an AT evaluation does not qualify as a "3 year evaluation" and I can provide you the specific law if you are not able to locate it. The ALJ did not rule on any of the timelines that were not met, i.e. from the time the parent asks, signs the appropriate forms and then waits for the service to be provided. There are specific timelines regarding AT evaluation, an ASD consultation from the MISD, etc.

17. The "June MDR" was not a part of any previous due process hearing. The Due Process Hearing was in response to the "October MDR". Therefore, this complaint is within the authority of the OSE.

In addition, please review the amended due process complaint previously provided to you where the ALJ narrowed the scope of issues to be addressed at the Due Process Hearings. The items that are "lined out" are the issues that she said were not within her jurisdiction. She indicated orally which items should be addressed through a "MDE complaint" or through an "OCR complaint." This can also be verified by listening to the recording of this status conference that was recorded.

Based on the above, I ask that you continue to investigate the allegations that I believe are within your authority.

Sincerely,

Jeannine L Somberg

Cc: Michael DeVault  
Beth Alberti  
Christine Johns  
Thomas Koepke  
Eleanor White

EXHIBIT 2

Utica Community Schools

Page 3

Note:Partial invoice  
from Lusk & Albertson  
to UCS.Special Education ServicesSomberg - Attorney Fees

5/15/2013 REK Review Notice to Appear; review pleadings and briefs.  
 5/20/2013 REK Review client file; prepare for status conference.  
 5/21/2013 REK Prepare for and attend U.S. District Court status conference; review new  
 Complaint.  
 5/23/2013 REK Review Complaint; forward to R. Monroe and P. McKinnon.

Subtotal:

Somberg, Dylan

		<u>Hours</u>	<u>Amount</u>
5/2/2013 RAL	E-mail correspondence with R. Alef re: mediation.	1.00	200.00
REK	Email exchange with P. McKinnon; telephone conversation with Michigan Department of Education; review complaints.	1.00	200.00
5/3/2013 REK	Telephone conversation with Michigan Department of Education re: complaint.	3.50	700.00
5/6/2013 RAL	Review e-mail from R. Alef re: mediation; forward to P. McKinnon and R. Monroe.	1.00	200.00
REK	Prepare for mediation; file review.	6.50	1,300.00
5/9/2013 RAL	E-mail to P. McKinnon and R. Monroe; telephone discussion with P. McKinnon.	0.30	60.00
5/10/2013 RAL	Revise mediation agreement; e-mail correspondence with R. Alef and P. McKinnon.	1.50	300.00
5/20/2013 RAL	Review and revise mediation agreement; e-mail to attorney Alef.	0.80	160.00
5/22/2013 RAL	Review latest mediation agreement; e-mail to P. McKinnon and telephone discussion re: same; e-mail to R. Alef; e-mail to mediator Beekman re: documents describing issues.	1.30	260.00
5/24/2013 RAL	Telephone discussion with B. Monroe and P. McKinnon; e-mail correspondence with P. McKinnon; e-mail to L. Beekman and R. Alef.	0.80	160.00
5/26/2013 RAL	Review file in preparation for mediation; e-mail correspondence with R. Alef, L. Beekman and P. McKinnon.	3.50	700.00
5/28/2013 RAL	Prepare for and attend mediation.	5.50	1,100.00
5/29/2013 RAL	E-mail correspondence with attorney Alef; conference with R. Kroopnick.	0.40	80.00
REK	Review email from attorney R. Alef; review client file; prepare for IEPT.	2.00	400.00

EXHIBIT 3

1. **Allegation:** Student received no educational services from October 2, 2012 through October 29, 2012 as student suffered wrongful disciplinary removals.

**Supporting Facts:** School records of attendance. Correspondence from the District to the parent.

**Proposed Resolutions:** Compensatory education for all services as per IEP that were denied.

2. **Allegation:** Student did not receive the general education classroom time identified in the current IEP from September 4 - October 29, 2012 and for the school year, 2011 – 2012. Student denied access to certain classes and parent had to pay privately for these classes, including Photography. Student not given any choice of electives as is available to the regular education students. Student and Parent told the class is full. Student not given opportunity to have access to general education curriculum.

**Supporting Facts:** IEP and schedules of student. Statements in writing by administrators and staff. Attendance records of student and Teacher for 2011-2012, report cards, and other documents to prove allegations will be provided.

**Proposed Resolutions:** Compensatory education for all services as per IEP that were denied. Reimbursement to Parent for Photography classes that were denied by the District.

3. **Allegation:** Student put in seclusion for 5<sup>th</sup> and 6<sup>th</sup> hour from September 4 – September 23, 2012. Student spent first day of school in room in school office and not allowed to leave. Receptionist complained to Principal that this was wrong. The next day the student was put in an empty cold classroom with a paraprofessional. There was no teacher in the building. Emails to parent reflect that Mrs. Hondstandt stated that she was his teacher. Parent indicated to teacher that she must be in the building to be able to be the teacher. Investigator can interview the student personally to hear what was done to him. Student was left during this period with a parapro, no curriculum and no teacher in the building in violation of the IEP. District attempted to change the student's program without prior written notice. At the beginning of the school year, all staff were told that the only way Dylan Somberg could come back to Eisenhower was if he went to "CBI", contrary to his current IEP. Staff were not allowed to offer any classes or even a schedule to the student. Mrs. Pevoteau, the Assistant Principal at the time can attest to these statements as well

as Mrs. Hondstant. The staff at Eisenhower were just doing what they were told by Special Services. Meaningful instruction cannot be provided by noncertified personnel. The teacher out of the building for CBI from 4<sup>th</sup> through 6<sup>th</sup> hour and cannot supervise and provide meaningful instruction from off site.

*Violation of Rule 340.2 (2) of the Michigan Administrative Code.*

*Violation of Rule 390.1105 of Michigan Administrative Code, 34 CFR 300.18*

Supporting Facts: Emails to and from principal, parent and teacher, schedules, statements from parapro and teacher.

Proposed Resolutions: Sanctions and penalties (Rule 155(1). State laws prohibit seclusion. State laws specify that an aide cannot be a teacher and is not a qualified teacher. The teacher must be in the building to provide instruction.

4. Allegation: District refuses to acknowledge withdraw of the "Autism Intake Report" from Children's Hospital that reflected third party information and various HIPPA violations. Children's Hospital withdrew the report and stated that their assigned worker was having personal problems and could not continue working with the District. In turn, they distributed it to the staff at Eisenhower High and to their attorney after they were informed that it was withdrawn.

Supporting Facts: Emails from parent to District. Email from Children's Hospital regarding withdrawal of report.

Proposed Resolution: Have MDE confirm withdrawal of report as UCS's will not respond to any emails. Sanctions for knowingly provided incorrect information as corrective action.

5. Allegation: District refuses to test student even after having been given consent by the parent in numerous emails. District refuses to include relevant information in their REED form that they insist that the parent sign. It does not include test scoring completed by the district that reflect higher IQ. It does not reflect testing done by University of Michigan's Dr. Luke Tsai and Dr. Catherine Lord that were paid for by UCS's. Also, multiple other relevant documents were excluded and irrelevant documents were included. Numerous letters from medical doctors that have been treating the student over the years have not been referenced.

Supporting facts: Numerous emails and school records of student. District provided an initial R.E.E.D. form to parent on January 10, 2013. The form failed to identify its purpose as well as many other items not consistent with the MDE recommended form. Parent asked questions via emails regarding these items and both the District and their Attorney will not respond. Page 1 of the initial form indicates that the "R.E.E.D. and evaluation plan began on November 20, 2012. Parent knew nothing about the existence of this form until January 2013. A second form was provided to parent dated March 19, 2013 that again, did not answer or address the questions of the parent. One Page 1 of Form, it states that "this is being required as per Administrative Law Judge order" on page 1. There is no order that state this. Page 3, Additional Data Needed and Evaluation Plan, is **left blank**. District is intentionally stonewalling the parent to delay access to an IEP and continue their frivolous litigation. District is intentionally not responding to any of the parent's questions in an effort to "frustrate" the parent.

Proposed Resolution: Mandate that the District test the student and sanction the District for failure to comply with corrective action in a timely manner. R 340.1855.

6. Allegation: No formal process of excusal from an IEP meeting exists and nothing was put in writing when Mr. Enne, District designee, left the IEP meeting on November 3, 2011.

Supporting facts: Observations by the IEP team members. No excusal in writing.

Proposed Resolution: Make District comply and implement written procedures of how to handle an IEP when a team member leaves the meeting. Training of staff with respect to special education laws.

7. Allegation: Student is not receiving any math instruction as per the Core curriculum.

Supporting facts: Student's math hour is during 6<sup>th</sup> hour. Records will reflect the purchase date of the math software and how long before the student began using the software. School records will reflect when the student is doing math. There is no instruction or supervision as the 6<sup>th</sup> hour teacher was moved to another school to replace another teacher who had passed, unexpectedly. There have been two substitutes since this time and still no instruction is being provided. Details of when the math started can be obtained by speaking with Mr. May, Assistant Principal at Eisenhower High.

Proposed Resolution: Secure a teacher or in the meantime, have the substitute teacher instruct the student in math. Provide compensatory education for the missed math curriculum as per school records.

8. Allegation: District did not appropriately monitor the progress on goals and objectives that were to be done by the social worker for the entire school year of 2011 – 2012 and for school year 2012 through March 2013. District provided no progress reports pursuant to the requirements of the IEP. On Friday, April 12, 2013, the student brought home in his backpack the

Supporting facts: Parent will provide an affidavit as to facts. District's compliance software (Tienet) will reflect that the data was not entered timely and backdated.

Proposed Resolution: Accountability to social worker for not complying with the IEP and any other proposed resolution by the MDE. Amy Chapman, social worker, indicated that she does not have time to do the reports.

9. Allegation: Denial of IEP from November 2011 through June 2012 after repeatedly being asked in writing by the parent to have an IEP.

Supporting facts: Multiple emails from parent to district.

Proposed Resolution: allow for an IEP and have appropriate testing done prior to the IEP. The IEP team at Eisenhower High have agreed as to which tests are needed, yet the District refuses to test the student.

10. Allegation: District has failed and continues to refuse comprehensive evaluations to identify all the students special education needs and be able to assess current cognitive and achievement levels as there has been no testing in over 3 years.

Supporting facts: multiple emails, telephone calls, letters to District's attorney and still no response.

Proposed Resolution: Allow for cognitive and achievement testing of student.

11. Allegation: District never completed the IEP for 2011 – 2012. District failed to provide a copy of a completed IEP to the parent. After parent finally got access to the student records with her attorney, the District gave the parent a folder of

documents to keep. Inside was the original signed copy of the IEP signed by Bob Enne. The District never completed the IEP as per their records in "Tienet". The District did not upload the signature page (designee) to "tienet". There are little to no internal controls with respect to monitoring of IEP's in Utica Community Schools. There were three different "versions" of the IEP in the student's records upon review by parent and attorney. Mr. Lusk interviewed the employees at Eisenhower High as was not able to determine who was changing the records. District indicated in writing that there are not records as to who was the person who entered/changed the records.

Supporting Facts: Compliance Software records as per "Tienet" that will be provided. Correspondence by District to Parent regarding FOIA request.

Proposed Resolution: C.E.P.I./state compliance investigation. Thorough audit of the special education records of UCS's to determine if this problem is systemic. Provide training of staff. Hold person responsible at UCS's for lack of "internal controls" accountable.

12. Allegation: District refused and delayed services from the MISD for Assistive Technology evaluation and an AI consultation after numerous requests by parent in writing asking for these services.

Supporting Facts: Multiple emails to Karen Kennedy that reflect dates and documents from the MISD that reflect dates of requests for services. Delay was not the result of the MISD actions. Delay was because of the lack of actions by Special Services. Parent can provide the emails as well as the documentation of when the district submitted a referral for assessment and consultation to the MISD. This data will show the unnecessary delays of the district.

Proposed Resolution: Sanctions as deemed appropriate by the MDE. Documentation of the lack of "follow through" to be submitted to UCS's Human Resources to be used in performance review evaluations for the employee's involved.

13. Allegation: Denial of access to records by parent by District's attorney.

Supporting facts: Emails from District's attorney stating that Parent must have Guardianship to have access to records as student is over 18 years old.

Proposed Resolution: Parent eventually got access to records after Parent's attorney got involved and proved District's attorney wrong. Resolution is to require District to provide correspondence to all parents of students over 18 years regarding access to records. UCS's encourages participation of parents of regular education students, yet discourages any participation and involvement by parents of special education students.

14. Allegation: A general education teacher was not involved in the development of the IEP started in November 2012, reconvened in November 2012 and never completed.

Supporting facts: IEP "other considerations" pages to be provided to document this allegation and support the facts.

Proposed Resolution: Allow for an IEP with the involvement of the current Regular Education Teachers, of which there are 5 at this time.

15. Allegation: Draft IEP that was provided to parent has names of other Student's on the document. This is most likely an error and their names need to be removed from this Student's IEP.

Supporting Facts: Parent will provide copies of the pages with other student's names on them.

Proposed Resolution: Remove the other student's names from the document.

16. Allegation: No measureable post secondary goals on the past two year's IEP's.

Supporting Facts: See IEP's.

Proposed Resolution: Allow for an IEP to develop post secondary goals for the student and allow for testing to determine the present level of the student.

17. Allegation: UCS's did not follow procedures for conducting an MDR for the MDR done in June 2012 and in October of 2013.

Supporting Facts: Tape recording of October 2013 MDR where Mr. Lusk indicates that "it is up to the District to make the decision". For the June 2012 MDR, Mrs.



McKinnon would not allow for the staff to discuss what happened. She would not allow the staff to answer any questions.

Proposed Resolution: Training of staff in appropriate procedures to conduct an MDR.

Note: All of the above allegations are outside the scope of ALJ from the prior due process hearings. Documentation, written and orally, will be provided to substantiate the ALJ stating that certain allegations and complaints were outside the scope of the Due Process Complaints.

**LAST PAGE OF COMPLAINT**

